

EXHIBIT 5

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for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard L.
Madoff,

Plaintiff,

v.

SQUARE ONE FUND LTD.,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04330 (SMB)

**TRUSTEE'S FIRST SET OF
INTERROGATORIES**

PLEASE TAKE NOTICE that, in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure (the “Federal Rules”), made applicable to this adversary proceeding under the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the applicable local rules of the United States District Court for the Southern District of New York and this Court (the “Civil Rules”), and the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”) Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-78lll (“SIPA”), and the estate of Bernard L. Madoff, by and through the Trustee’s counsel, Baker & Hostetler LLP, hereby demands that Defendant Square One Fund Ltd. provide verified written responses to the interrogatories (“Interrogatory” or “Interrogatories”) set forth herein and deliver same to the office of Baker & Hostetler LLP, c/o Ganesh Krishna, Esq., 45 Rockefeller Plaza, New York, New York 10111 within 30 days of service.

DEFINITIONS

1. All definitions set forth in Civil Rule 26.3, as adopted by Local Rule 7026-1, are incorporated by reference and apply to these Interrogatories.
2. The use of the singular form of any word includes the plural and vice versa, as provided in Civil Rule 26.3.
3. “All,” “any,” and “each” shall each be construed as encompassing any and all, as defined in Civil Rule 26.3.
4. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of an Interrogatory all responses that might otherwise be construed to be outside of its scope, as defined in Civil Rule 26.3.

5. “Applicable Period” means the period beginning January 1, 1998 through the present.

6. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise), as defined in Civil Rule 26.3.

7. “Document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A), as defined in Civil Rule 26.3. A draft or non-identical copy is a separate document within the meaning of this term. For purposes of these Interrogatories, the meaning and scope of Document captures the meaning and scope of Communication.

8. “Filing Date” means December 11, 2008.

9. “Partners Advisers” means Partners Advisers S.A. and all affiliated persons and entities, and anyone acting on behalf of or at its direction, including, but not limited to, its current and former affiliates, predecessors, successors, parents, principals, subsidiaries, divisions, branches, agencies, representative offices, officers, directors, managers, partners, members, shareholders, agents, representatives, employees, attorneys, attorneys-in-fact, nominees, and servants.

10. “Person” means any natural person or any legal entity, including, but not limited to, any business or governmental entity or association, as defined in Civil Rule 26.3.

11. “Square One” means Square One Fund Ltd. and all affiliated persons and entities, and anyone acting on its behalf or at its direction, including, but not limited to, its current and former affiliates, predecessors, successors, parents, principals, subsidiaries, divisions, branches, agencies, representative offices, officers, directors, managers, partners, members, shareholders, agents, representatives, employees, attorneys, attorneys-in-fact, nominees, and servants.

12. “Trustee’s First RFPs” means the Trustee’s First Set of Requests for Production of Documents dated August 6, 2019.

13. “You” or “Your” means Square One (as defined above).

INSTRUCTIONS

1. In accordance with Federal Rule 33(b)(2), You must serve the written responses within thirty (30) days of the date of service.

2. If, in answering these Interrogatories You have an objection, object with specificity and state whether You are withholding any responsive information on the basis of that objection.

3. Unless otherwise specified, answer all Interrogatories using information created, modified, or that existed during the Applicable Period.

4. If a response to an Interrogatory is based upon information and belief, set forth the source of the information and the grounds for the belief.

5. If You object on the basis of ambiguity or vagueness, or to any related definition or instruction, respond to the Interrogatory and set forth Your interpretation of the language You claim is vague or ambiguous.

6. If You refuse to provide a response to an Interrogatory due to an assertion of attorney-client privilege, the work product doctrine, or any other privilege, Your response should include a statement of the basis for the claim sufficient for the Trustee to evaluate the claimed privilege or protection.

7. If You cannot provide, or object to providing, a complete answer to an Interrogatory, answer the Interrogatory to the extent possible and provide an explanation as to why You gave only a partial answer.

8. If You discover that a response is incomplete or incorrect, You must, in a timely manner, supplement or correct such response in accordance with Bankruptcy Rule 7026 and Federal Rule 26(e).

INTERROGATORIES

1. Identify all notices, Documents, Communications, and/or reports issued by Square One and/or on Square One's behalf by current or former counsel to preserve Documents in connection with the matter of *Picard v. Square One Fund Ltd.*, Adv. Pro. No. 10-04330 (SMB) (Bankr. S.D.N.Y.), including the dates and the addressees of such notices.

2. List all custodians and media that were gathered and imaged by Square One and/or on Square One's behalf by current or former counsel since the Filing Date and provide the dates for all such searches. To the extent You do not know the answer to this Interrogatory, identify all steps and measures You have taken to determine the answer.

3. Identify what searches Square One and/or Square One's current or former counsel conducted in response to the Trustee's First RFPs, including, but not limited to, any searches of Partners Advisers' files, media, and/or custodians, and provide the dates, search terms, custodians, and media that correspond to those searches.

Date: July 1, 2020
New York, New York

By: /s/ Marco Molina
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